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**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:07-cv-20332-DLG**

Millenia Luxury Condominiums (Florida), LLC et al v.  
Hudson Realty Capital Fund III LP  
Assigned to: Judge Donald L. Graham  
Referred to: Magistrate Judge John J. O'Sullivan  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 02/08/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Millenia Luxury Condominiums  
(Florida), LLC**

represented by **Charles M. Tatelbaum**  
Adorno & Yoss  
350 E Las Olas Boulevard  
Suite 1700  
Fort Lauderdale, FL 33301-4217  
954-766-7820-fax-866  
Fax: 621-4198  
Email: ctatelbaum@adorno.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen C. Hunt**  
Adorno & Yoss LLP  
350 E Las Olas Boulevard  
Suite 1700  
Fort Lauderdale, FL 33301-4217  
954-766-7834  
Fax: 954-766-7800  
Email: shunt@adorno.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Eduardo Avila**

represented by **Charles M. Tatelbaum**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen C. Hunt**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Jack Kaplan**

represented by **Charles M. Tatelbaum**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen C. Hunt**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Hudson Realty Capital Fund III LP**  
*A Delaware limited partnership*

represented by **Martin Briner Woods**  
 Stearns Weaver Miller Weissler  
 Alhadeff & Sitterson  
 200 E Las Olas Boulevard  
 New River Center Suite 2100  
 Fort Lauderdale, FL 33301  
 954-462-9555  
 Fax: 462-9567  
 Email: mwoods@swmwas.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**HRC Fund III Pooling REIT LLC**

**Defendant**

**HRC Funding III Pooling Domestic LLC**

Date Filed	#	Docket Text
02/08/2007	<u>1</u>	COMPLAINT against Hudson Realty Capital Fund III LP Filing fee \$ 350. Receipt#: 539350, filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # <u>1</u> Appendix)(dj) (Entered: 02/09/2007)
02/08/2007	<u>2</u>	Corporate Disclosure Statement by Millenia Luxury Condominiums (Florida), LLC. (dj) (Entered: 02/09/2007)
02/08/2007	<u>3</u>	Summons Issued as to Hudson Realty Capital Fund III LP. (dj) (Entered: 02/09/2007)
02/28/2007	<u>4</u>	STIPULATION <i>Extending Time for Defendant to Respond to Complaint</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 02/28/2007)
04/04/2007	<u>5</u>	STIPULATION <i>To Extend Time To Respond To Complaint</i> by Hudson Realty Capital Fund III LP, Millenia Luxury Condominiums (Florida),

		LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 04/04/2007)
04/06/2007	<u>6</u>	ORDER granting re <u>5</u> Stipulation Extending the Time for Defendant's Response to Complaint filed by Eduardo Avila,, Jack Kaplan,, Millenia Luxury Condominiums (Florida), LLC,, Hudson Realty Capital Fund III LP, Defendant to Respond within seven (7) days.Signed by Judge Donald L. Graham on 4/6/2007.(ls) (Entered: 04/06/2007)
04/06/2007	<u>7</u>	CERTIFICATE of Counsel of Service of a Copy of the Order of the Court dated April 6, 2007 by Charles M. Tatelbaum on behalf of Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan (Tatelbaum, Charles) (Entered: 04/06/2007)
04/10/2007	<u>8</u>	AMENDED COMPLAINT For Declaratory Relief, Damages And Injunctive Relief against Hudson Realty Capital Fund III LP, filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan.(Tatelbaum, Charles) (Entered: 04/10/2007)
04/11/2007	<u>9</u>	CERTIFICATE OF SERVICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan of Complaint and Summons (Tatelbaum, Charles) (Entered: 04/11/2007)
04/11/2007	<u>10</u>	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. Hudson Realty Capital Fund III LP served on 2/15/2007, answer due 3/7/2007. (Tatelbaum, Charles) (Entered: 04/11/2007)
04/19/2007	<u>11</u>	MOTION for Extension of Time to File Response/Reply as to <u>8</u> Amended Complaint by Hudson Realty Capital Fund III LP. (Woods, Martin) (Entered: 04/19/2007)
04/20/2007	<u>12</u>	Notice of Instruction to Filer: No proposed Order submitted re <u>11</u> MOTION for Extension of Time to File Response/Reply as to <u>8</u> Amended Complaint filed by Hudson Realty Capital Fund III LP. Counsel shall comply with the CM/ECF Procedures and submit the final version of the proposed document by e-mail in WordPerfect format. The e-mail subject line and the name of the attachment should include the case number, docket entry number, followed by a short description of the attachment (e.g., 07-cv-20332 Order on M-Enlargement of Time DE 11) to graham@flsd.uscourts.gov. (gw) (Entered: 04/20/2007)
04/30/2007	<u>13</u>	Defendant's MOTION to Dismiss <u>8</u> Amended Complaint by Hudson Realty Capital Fund III LP. Responses due by 5/14/2007 (Woods, Martin) (Entered: 04/30/2007)
05/04/2007	<u>14</u>	RESPONSE in Opposition re <u>13</u> Defendant's MOTION to Dismiss <u>8</u> Amended Complaint filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 05/04/2007)
05/04/2007	<u>15</u>	NOTICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan of Plaintiffs' Request for Oral Argument/Hearing

		<i>Pursuant To Local Rule 7.1(B)</i> (Tatelbaum, Charles) (Entered: 05/04/2007)
05/08/2007	<u>16</u>	ORDER/NOTICE Setting Status Conference: Telephonic Status Conference set for 6/20/2007 02:00 PM before Judge Donald L. Graham. Joint Status Report due by 6/8/07.Signed by Judge Donald L. Graham on 5/7/07.(gw) (Entered: 05/08/2007)
05/11/2007	<u>17</u>	REPLY to Response to Motion re <u>13</u> Defendant's MOTION to Dismiss <u>8</u> Amended Complaint <i>Reply to Plaintiffs' Response in Opposition to Defendant's Motion to Dismiss and Memorandum of Law</i> filed by Hudson Realty Capital Fund III LP. (Woods, Martin) (Entered: 05/11/2007)
05/21/2007	<u>18</u>	Plaintiff's MOTION for Leave to File <i>Second Amended Complaint</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # <u>1</u> Exhibit Proposed Second Amended Complaint# <u>2</u> Text of Proposed Order Order Granting Plaintiffs' Motion for Leave to File Second Amended Complaint)(Tatelbaum, Charles) (Entered: 05/21/2007)
05/23/2007	<u>19</u>	Notice of Instruction to Filer re <u>18</u> Plaintiff's MOTION for Leave to File Second Amended Complaint filed by Eduardo Avila,, Jack Kaplan, Millenia Luxury Condominiums (Florida), LLC. Counsel shall comply with the CM/ECF Procedures and submit the final version of the proposed document by e-mail in WordPerfect format. The e-mail subject line and the name of the attachment should include the case number, docket entry number, followed by a short description of the attachment (e.g., 07-cv-20332 DE 18 Order to graham@flsd.uscourts.gov. (gfw) (Entered: 05/23/2007)
05/25/2007	<u>20</u>	STATUS REPORT ( <i>Joint</i> ) by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 05/25/2007)
05/29/2007	<u>21</u>	ORDER granting <u>18</u> Plaintiff's Motion to File Second Amended Complaint.Signed by Judge Donald L. Graham on 5/29/07. (gfw) (Entered: 05/29/2007)
05/31/2007	<u>22</u>	Second MOTION to Dismiss <u>21</u> Order on Motion for Leave to File by Hudson Realty Capital Fund III LP. Responses due by 6/14/2007 (Woods, Martin) (Entered: 05/31/2007)
06/05/2007	<u>23</u>	Summons Issued as to HRC Funding III Pooling Domestic LLC. (tb) (Entered: 06/06/2007)
06/07/2007	<u>24</u>	NOTICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan of ( <i>Joint</i> ) <i>Election To Jurisdiction By A United States Magistrate Judge For Final Disposition Of Motions</i> (Tatelbaum, Charles) (Entered: 06/07/2007)
06/07/2007	<u>25</u>	NOTICE by HRC Fund III Pooling REIT LLC, HRC Funding III Pooling Domestic LLC re <u>22</u> Second MOTION to Dismiss <u>21</u> Order on Motion

		for Leave to File <i>Defendants' Notice of Joinder in Defendants' Second Motion to Dismiss</i> (Woods, Martin) (Entered: 06/07/2007)
06/08/2007	<u>26</u>	Notice of Instruction to Filer ; re <u>25</u> Notice (Other), Notice (Other) filed by HRC Fund III Pooling REIT LLC,, HRC Funding III Pooling Domestic LLC. ERROR: Incorrect "Notice (Other)" event used; Correct event to use in the <i>FUTURE</i> is "Notice of Adoption" found under Notices. (gp) (Entered: 06/08/2007)
06/15/2007	<u>27</u>	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC. HRC Fund III Pooling REIT LLC served on 6/5/2007, answer due 6/25/2007. (Hunt, Stephen) (Entered: 06/15/2007)
06/15/2007	<u>28</u>	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC. HRC Funding III Pooling Domestic LLC served on 6/5/2007, answer due 6/25/2007. (Hunt, Stephen) (Entered: 06/15/2007)
06/15/2007	<u>29</u>	RESPONSE in Opposition re <u>22</u> Second MOTION to Dismiss <u>21</u> Order on Motion for Leave to File filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 06/15/2007)
06/20/2007	<u>30</u>	REPLY to Response to Motion re <u>22</u> Second MOTION to Dismiss <u>21</u> Order on Motion for Leave to File <i>Reply to Plaintiffs' Response in Opposition to Defendants' Second Motion to Dismiss and Memorandum of Law</i> filed by Hudson Realty Capital Fund III LP, HRC Fund III Pooling REIT LLC, HRC Funding III Pooling Domestic LLC. (Woods, Martin) (Entered: 06/20/2007)
06/20/2007	<u>31</u>	Minute Entry for proceedings held before Judge Donald L. Graham : Status Conference held on 6/20/2007. Court Reporter: Carly Horenkamp (Attachments: # <u>1</u> ) (ag) Modified file date on 7/5/2007 (dg). (Entered: 06/26/2007)
06/27/2007	<u>32</u>	MOTION for Leave to File <i>Supplemental Memorandum of Law In Support Of Plaintiffs' Opposition To Defendants' Second Motion To Dismiss</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # <u>1</u> Exhibit Supplemental Memorandum of Law# <u>2</u> Text of Proposed Order)(Tatelbaum, Charles) (Entered: 06/27/2007)
06/29/2007	<u>33</u>	ORDER denying <u>32</u> Plaintiffs' Motion for Leave to File Supplemental Memorandum of Law in Support of Plaintiffs' Response in Opposition to Defendants' Second Motion to Dismiss. Signed by Judge Donald L. Graham on 6/28/07. (gfw) (Entered: 06/29/2007)
07/06/2007	<u>34</u>	ORDER REFERRING CASE to Magistrate Judge John J. O'Sullivan for Discovery;Signed by Judge Donald L. Graham on 07/06/2007.(bs) (Entered: 07/06/2007)
07/06/2007	<u>35</u>	ORDER REFERRING CASE to Mediation. 15 days to appoint mediator.Signed by Judge Donald L. Graham on 07/06/2007.(bs) (Entered: 07/06/2007)

07/06/2007	<u>36</u>	SCHEDULING ORDER: Pretrial Conference set for 3/12/2008 02:00 PM before Judge Donald L. Graham. Jury Trial set for 4/14/2008 09:00 AM before Judge Donald L. Graham. Calendar Call set for 4/9/2008 02:00 PM before Judge Donald L. Graham. Amended Pleadings due by 10/29/2007. Discovery due by 1/14/2008. Joinder of Parties due by 10/29/2007. Motions due by 1/28/2008. Pretrial Stipulation due by 3/10/2008. Deadline to exchange experts due by 11/28/07. Deadline to exchange rebuttal experts due by 12/19/07. Jury Instructions and Verdict Forms or Proposed Findings of Fact and Conclusions of Law and Proposed Voir Dire Questions due by 4/2/08. Signed by Judge Donald L. Graham on 7/6/07. (gfw) (Entered: 07/06/2007)
07/09/2007	<u>37</u>	NOTICE OF UNAVAILABILITY by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan for dates of April 7, 2008 to April 21, 2008 <i>as a potential conflict to the scheduled trial date.</i> (Attachments: # <u>1</u> )(Tatelbaum, Charles) (Entered: 07/09/2007)
07/10/2007	<u>38</u>	Notice of Instruction to Filer, Notice of Docket Correction: re <u>37</u> Notice of Unavailability filed by Eduardo Avila, Jack Kaplan, Millenia Luxury Condominiums (Florida), LLC. ERROR: Attachments to document did not have a description; <i>FUTURE</i> documents containing attachments need to be described.- Corrected by Court. (gp) (Entered: 07/10/2007)
07/26/2007	<u>39</u>	ORDER Scheduling Mediation Hearing set for 10/22/2007 09:00 AM Signed by Judge Donald L. Graham on 7/26/07.(hd) (Entered: 07/27/2007)

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